

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1770 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

SHOBHABEN WD/O SHYAMRAO BANDU PAWAR

Versus

PRAVINSINH ISHWARSINH MERATHIYA

Appearance:

MR MA KHARADI for Petitioner No. 1-3

RULE SERVED for Respondent No. 1-3

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 24/02/2003

ORAL JUDGEMENT

1. Heard learned Advocate Mr.S.A.Qureshi for learned advocate Mr.M.A.Kharadi for the applicants. Opponents are served.

2. This application is filed by the applicants under Section 24 of the Civil Procedure Code for the transfer of Motor Accident Claim Petition No.934/1994 from Motor Accident Claims Tribunal, Ahmedabad (Rural) to Motor Accident Claims Tribunal, Panchmahals at Godhra.

3. The applicants have stated that applicant No.1 is widow and has to look after all the family affairs and applicant No.2 is married and applicant No.3 is a student and in the circumstances it would be very difficult for all the applicants to go to Ahmedabad from Godhra on each date of proceedings of said Motor Accident Claim Petition, which will cause otherwise extra unnecessary financial burden upon the applicants.

4. Having regard to the cause advanced for the transfer of the said Motor Accident Claim Petition as well as having regard to the fact that by virtue of the provisions of the Bombay Motor Vehicles Act, the applicants - claimants are otherwise entitled to file and maintain petition in the jurisdiction of the Motor Accident Claims Tribunal, Panchmahals at Godhra, the request for transfer as prayed is required to be granted.

5. In this view of the matter, this Petition is required to be allowed and Motor Accident Claim Petition No.934/94 pending before the Motor Accident Claims Tribunal at Ahmedabad (Rural) is directed to be transferred to Motor Accident Claims Tribunal, Panchmahals at Godhra. Motor Accident Claims Tribunal, Ahmedabad (Rural) is directed to transmit the record and proceedings of Motor Accident Claim Petition No.934/94 to Motor Accident Claims Tribunal, Panchmahals at Godhra forthwith. Motor Accident Claims Tribunal, Panchmahals at Godhra is directed that on so receiving the record and proceedings of the Motor Accident Claim Petition No. 934/94, the Motor Accident Claims Tribunal, Panchmahals at Godhra shall register the said Motor Accident Claim Petition and shall proceed and dispose of the said Motor Accident Claim Petition according to law.

6. Rule is made absolute. No costs.

(J.R. Vora, J.)

p.n.nair